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UNITED STATES OF AMERICA

FILED
BILLINGS DIV.

2008 MAY 22 PM 2 30

PATRICK E. DUFFY, CLERK

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES KENDALL THAYER,

Defendant.

CR 08-12-BU-DWM

SUPERSEDING INDICTMENT

ATTEMPTED COERCION & ENTICEMENT

Title 18 U.S.C. § 2422(b) (Count I)

(Penalty: Mandatory minimum ten years to life imprisonment, \$250,000 fine, and lifetime supervised release)

POSSESSION OF CHILD PORNOGRAPHY

Title 18 U.S.C. § 2252A(a)(5)(B) (Count II)

(Penalty: Ten years imprisonment, \$250,000 fine, and lifetime supervised release)

FORFEITURE

Title 18 U.S.C. § 2253

THE GRAND JURY CHARGES:

COUNT I

That between on or about January 9, 2008, and continuing thereafter until on or about April 1, 2008, in Gallatin County, in the State and District of Montana, and elsewhere, the defendant, JAMES KENDALL THAYER, used any facility or means of interstate or foreign commerce to knowingly persuade, induce, entice or coerce any individual who has not attained the age of 18 years, to engage in any sexual activity for which any person can be charged with a criminal offense, namely Sexual Intercourse Without Consent, M.C.A. § 45-5-503, and attempted to do so, in violation of 18 U.S.C. § 2422(b).

COUNT II

That from approximately 2007 and ending on April 1, 2008, at Bozeman, in the State and District of Montana, the defendant, JAMES KENDALL THAYER, knowingly possessed computer files containing an image or images of child pornography that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including by a computer located at Bozeman, Montana, and elsewhere, in violation of 18 U.S.C. § 2252A(a)(5)(B).

FORFEITURE ALLEGATION

As a result of the commission of the crimes described above, and upon his conviction, the defendant, JAMES KENDALL THAYER, shall forfeit to the United States, all right, title, and interest in the following described property that represents property used to commit the offenses:

IBM Net Vista model RBU computer, serial number 23H2W29
red Motorola Razr cellular telephone, serial number SJUG2644AA

as provided for in 18 U.S.C. § 2253(3)(a).

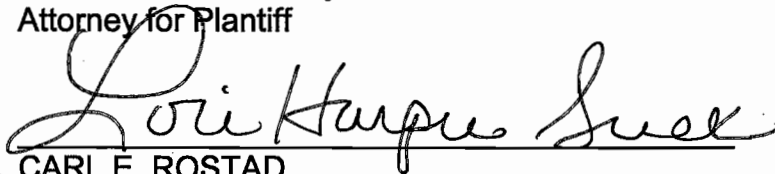
A TRUE BILL.



FOREPERSON



WILLIAM W. MERCER
United States Attorney
Attorney for Plaintiff



CARL E. ROSTAD
Criminal Chief Assistant U.S. Attorney
Attorney for Plaintiff